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3 **UNITED STATES DISTRICT COURT**

4 **DISTRICT OF NEVADA**

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6 Eddie Ray George Washington Bozarth,

7 Plaintiff,

8 vs.

9 Franklin Katschke, *et al.*,

10 Defendants.

Case No. 2:22-cv-01265-RFB-VCF

Order

Motion to Extend Time (ECF No. 6)

11 I previously ordered incarcerated pro se plaintiff Eddie Ray George Washington Bozarth to file  
12 an application to proceed in forma pauperis (IFP) given that he filed his complaint without an IFP  
13 application or payment. ECF No. 4. When plaintiff missed his deadline to either file an IFP application  
14 or pay the filing fee, I ordered that this case be administratively closed for failure to commence this  
15 action. ECF No. 5.

16 Pro se plaintiff Bozarth then filed a motion for an extension of time to file his IFP application.  
17 ECF No. 6. I granted his motion and gave him sixty days to file it. ECF No. 9. The extended deadline to  
18 file his IFP application has now passed, and he has not filed anything or paid the filing fee. Since  
19 plaintiff has not commenced this action, I order that this case be administratively closed.  
20

21 **ACCORDINGLY,**

22 I ORDER that the Clerk of Court is directed to administratively CLOSE this case.

23 **NOTICE**

24 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and  
25 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk

1 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal  
2 may determine that an appeal has been waived due to the failure to file objections within the specified  
3 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

4 This circuit has also held that (1) failure to file objections within the specified time and (2)  
5 failure to properly address and brief the objectionable issues waives the right to appeal the District  
6 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d  
7 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).  
8 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any  
9 change of address. The notification must include proof of service upon each opposing party's attorney,  
10 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may  
11 result in dismissal of the action.

12 IT IS SO ORDERED.

13 DATED this 10th day of March 2023.

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15 CAM FERENBACH  
16 UNITED STATES MAGISTRATE JUDGE  
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